

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 22, 2012

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Karl Kroger, followed by the Pledge of Allegiance led by House pages Drew Dennert and Niki Romeyn.

Roll Call: All members present except Reps. Elliott and Magstadt who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-fourth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Val Rausch, Chair

Which motion prevailed.

1 Also MR. SPEAKER:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 SB 174 and returns the same with the recommendation that said bill be amended as follows:

4 174fc

5 On page 3, after line 21 of the Senate State Affairs Committee engrossed bill, insert:

6 "However, if the amount of prepaid wireless telecommunications service sold for a single, non-
7 itemized price with one or more other products or services is denominated as ten minutes or less
8 or as five dollars or less, the prepaid wireless service seller may elect not to collect any prepaid
9 wireless surcharge for such retail transaction."

10 And that as so amended said bill do pass.

11 Also MR. SPEAKER:

12 The Committee on State Affairs respectfully reports that it has had under consideration
13 SB 106 and returns the same with the recommendation that said bill be amended as follows:

14 106oa

15 On page 1, line 7, of the Senate Education Committee engrossed bill, delete "or amounts
16 paid or benefits" and insert "and any related document that specifies the consideration to be paid
17 to the".

18 On page 1, line 8, delete "provided to any public".

19 And that as so amended said bill do pass and be placed on the consent calendar.

20 Also MR. SPEAKER:

21 The Committee on State Affairs respectfully reports that it has had under consideration
22 SB 77 and returns the same with the recommendation that said bill be referred to the Committee
23 on Appropriations.

24 Respectfully submitted,
25 David Lust, Chair

26 Also MR. SPEAKER:

27 The Committee on Appropriations respectfully reports that it has had under consideration
28 SB 192, 194, and 195 and returns the same with the recommendation that said bills do pass.

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 SB 85 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Dean Wink, Chair

6 Also MR. SPEAKER:

7 The Committee on Education respectfully reports that it has had under consideration
8 SB 191 and returns the same with the recommendation that said bill do pass.

9 Also MR. SPEAKER:

10 The Committee on Education respectfully reports that it has had under consideration
11 SB 186 and returns the same with the recommendation that said bill be amended as follows:

12 186cd

13 On page 1, line 14, of the Senate engrossed bill, after "materials" insert "not otherwise
14 precluded from distribution by contract provisions of copyright or site restriction provisions".

15 And that as so amended said bill do pass.

16 Respectfully submitted,
17 Thomas J. Brunner, Chair

18 Also MR. SPEAKER:

19 The Committee on Commerce and Energy respectfully reports that it has had under
20 consideration SB 108 and 157 and returns the same with the recommendation that said bills do
21 pass.

22 Also MR. SPEAKER:

23 The Committee on Commerce and Energy respectfully reports that it has had under
24 consideration SB 103 and 112 and returns the same with the recommendation that said bills do
25 pass and be placed on the consent calendar.

26 Respectfully submitted,
27 Roger D. Solum, Chair

1 Also MR. SPEAKER:

2 The Committee on Judiciary respectfully reports that it has had under consideration SB 68,
3 78, and 156 and returns the same with the recommendation that said bills do pass.

4 Also MR. SPEAKER:

5 The Committee on Judiciary respectfully reports that it has had under consideration SB 53
6 and returns the same with the recommendation that said bill do pass and be placed on the
7 consent calendar.

8 Also MR. SPEAKER:

9 The Committee on Judiciary respectfully reports that it has had under consideration SB 76
10 which was tabled.

11 Respectfully submitted,
12 Roger W. Hunt, Chair

13 **MESSAGES FROM THE SENATE**

14 MR. SPEAKER:

15 I have the honor to return herewith HB 1047, 1050, 1063, 1065, 1079, 1088, 1128, 1153,
16 1192, 1195, 1202, and 1212 which have passed the Senate without change.

17 Also MR. SPEAKER:

18 I have the honor to return herewith HB 1263 which has been amended by the Senate and
19 your concurrence in the amendments is respectfully requested.

20 Also MR. SPEAKER:

21 I have the honor to transmit herewith SCR 6 which has been adopted by the Senate and
22 your concurrence is respectfully requested.

23 Respectfully,
24 Fee Jacobsen, Secretary

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley;
4 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;
5 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Miller; Moser; Munsterman; Nelson
6 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
7 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
8 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
9 Rausch

10 Excused:

11 Elliott; Gosch; Magstadt

12 So the motion having received an affirmative vote of a two-thirds majority of the members-
13 elect, the Speaker declared the motion carried and the amendments were concurred in.

14 Rep. Brunner moved that SB 25 be referred to the Committee on Education.

15 Which motion prevailed.

16 SCR 6: A CONCURRENT RESOLUTION, Urging the government of Turkey to uphold
17 and safeguard religious and human rights and to respect the property rights and human rights
18 of the Ecumenical Patriarchate.

19 Was read the first time and the Speaker waived the committee referral.

20 **SECOND READING OF CONSENT CALENDAR ITEMS**

21 SB 22: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
22 vacation or the change of location of county and township highways on school and public lands.

23 Was read the second time.

24 The question being "Shall SB 22 pass as amended?"

25 And the roll being called:

26 Yeas 67, Nays 0, Excused 3, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley;
4 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;
5 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Miller; Moser; Munsterman; Nelson
6 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
7 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
8 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
9 Rausch

10 Excused:

11 Elliott; Gosch; Magstadt

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 SB 70: FOR AN ACT ENTITLED, An Act to revise the procedures for filing referred laws,
15 initiated constitutional amendments, and initiated measures and to revise certain election
16 provisions and campaign finance requirements for referred laws, initiated constitutional
17 amendments, and initiated measures.

18 Was read the second time.

19 The question being "Shall SB 70 pass as amended?"

20 And the roll being called:

21 Yeas 67, Nays 0, Excused 3, Absent 0

22 Yeas:

23 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
24 Dryden; Fargen; Feickert; Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley;
25 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;
26 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Miller; Moser; Munsterman; Nelson
27 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
28 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
29 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
30 Rausch

31 Excused:

32 Elliott; Gosch; Magstadt

33 So the bill having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the bill passed and the title was agreed to.

1 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2 SB 137: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
3 application for absentee voting.

4 Having had its second reading was up for consideration and final passage.

5 The question being "Shall SB 137 pass?"

6 And the roll being called:

7 Yeas 67, Nays 0, Excused 3, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
10 Dryden; Fargen; Feickert; Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley;
11 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;
12 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Miller; Moser; Munsterman; Nelson
13 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
14 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
15 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
16 Rausch

17 Excused:

18 Elliott; Gosch; Magstadt

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 Rep. Cronin moved that SB 127 be deferred to Thursday, February 23, the 26th legislative
22 day.

23 Which motion prevailed.

24 SB 37: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated
25 natural resources conservation fund to the State Conservation Commission and to declare an
26 emergency.

27 Was read the second time.

28 The question being "Shall SB 37 pass as amended?"

29 And the roll being called:

30 Yeas 62, Nays 5, Excused 3, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley;
4 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;
5 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Moser; Munsterman; Novstrup
6 (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly;
7 Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; White;
8 Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Miller; Nelson (Stace); Russell; Tornow; Verchio

11 Excused:

12 Elliott; Gosch; Magstadt

13 So the bill having received an affirmative vote of a two-thirds majority of the members-
14 elect, the Speaker declared the bill passed and the title was agreed to.

15 SB 46: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase
16 an airport structure for use by South Dakota State University and to make an appropriation
17 therefor.

18 Was read the second time.

19 The question being "Shall SB 46 pass as amended?"

20 And the roll being called:

21 Yeas 55, Nays 12, Excused 3, Absent 0

22 Yeas:

23 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
24 Dryden; Fargen; Feickert; Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley;
25 Hickey; Hoffman; Hunhoff (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirschman; Kloucek;
26 Lucas; Lust; Miller; Moser; Munsterman; Novstrup (David); Perry; Romkema; Rozum;
27 Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tulson; Turbiville; Van
28 Gerpen; Vanneman; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

29 Nays:

30 Hubbel; Jensen; Kirkeby; Kopp; Liss; Nelson (Stace); Olson (Betty); Russell; Steele; Tornow;
31 Venner; Verchio

32 Excused:

33 Elliott; Gosch; Magstadt

34 So the bill having received an affirmative vote of a two-thirds majority of the members-
35 elect, the Speaker declared the bill passed and the title was agreed to.

1 SB 47: FOR AN ACT ENTITLED, An Act to increase the authorized square footage for
2 the motor pool building at South Dakota State University, to make an appropriation therefor,
3 and to declare an emergency.

4 Was read the second time.

5 The question being "Shall SB 47 pass?"

6 And the roll being called:

7 Yeas 57, Nays 10, Excused 3, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
10 Dryden; Fargen; Feickert; Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley;
11 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirschman;
12 Kloucek; Liss; Lucas; Lust; Moser; Munsterman; Novstrup (David); Perry; Romkema; Rozum;
13 Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tulson; Turbiville; Van
14 Gerpen; Vanneman; Venner; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

15 Nays:

16 Jensen; Kirkeby; Kopp; Miller; Nelson (Stace); Olson (Betty); Russell; Steele; Tornow; Verchio

17 Excused:

18 Elliott; Gosch; Magstadt

19 So the bill having received an affirmative vote of a two-thirds majority of the members-
20 elect, the Speaker declared the bill passed and the title was agreed to.

21 Rep. Lust moved that SB 48 be deferred to Thursday, February 23, the 26th legislative day.

22 Which motion prevailed.

23 SB 82: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
24 unclaimed property trust fund.

25 Was read the second time.

26 The question being "Shall SB 82 pass as amended?"

27 And the roll being called:

28 Yeas 65, Nays 2, Excused 3, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley;
4 Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer;
5 Kirkeby; Kirschman; Kopp; Liss; Lucas; Lust; Miller; Moser; Munsterman; Novstrup (David);
6 Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly;
7 Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner;
8 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Kloucek; Nelson (Stace)

11 Excused:

12 Elliott; Gosch; Magstadt

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 SB 84: FOR AN ACT ENTITLED, An Act to allow for the reimbursement of travel
16 expenses during the recruitment of certain professional staff.

17 Was read the second time.

18 The question being "Shall SB 84 pass?"

19 And the roll being called:

20 Yeas 58, Nays 10, Excused 2, Absent 0

21 Yeas:

22 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
23 Dryden; Fargen; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
24 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman; Liss;
25 Lust; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
26 Schaefer; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tulson; Turbiville; Van Gerpen;
27 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

28 Nays:

29 Feickert; Iron Cloud III; Kloucek; Kopp; Lucas; Nelson (Stace); Russell; Schrempp; Steele;
30 Tornow

31 Excused:

32 Elliott; Magstadt

33 So the bill having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the bill passed and the title was agreed to.

1 SB 90: FOR AN ACT ENTITLED, An Act to establish a fee for payments returned to the
2 Office of the Secretary of State due to insufficient funds and to provide for the distribution of
3 the fee.

4 Was read the second time.

5 The question being "Shall SB 90 pass?"

6 And the roll being called:

7 Yeas 65, Nays 3, Excused 2, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
10 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Hagggar; Hansen (Jon);
11 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
12 Killer; Kirkeby; Kirschman; Kopp; Liss; Lucas; Lust; Miller; Moser; Munsterman; Novstrup
13 (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott; Sigdestad; Sly;
14 Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner;
15 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

16 Nays:

17 Kloucek; Nelson (Stace); Schrempp

18 Excused:

19 Elliott; Magstadt

20 So the bill having received an affirmative vote of a two-thirds majority of the members-
21 elect, the Speaker declared the bill passed and the title was agreed to.

22 SB 189: FOR AN ACT ENTITLED, An Act to provide a designation on certain nondriver
23 identification cards, driver licenses, and permits that the card holders or licensees are honorably
24 discharged veterans.

25 Was read the second time.

26 The question being "Shall SB 189 pass?"

27 And the roll being called:

28 Yeas 68, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Miller; Moser; Munsterman;
6 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
7 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
8 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
9 Rausch

10 Excused:

11 Elliott; Magstadt

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 SB 154: FOR AN ACT ENTITLED, An Act to revise certain statutes pertaining to persons
15 required to report child abuse and neglect.

16 Was read the second time.

17 The question being "Shall SB 154 pass?"

18 And the roll being called:

19 Yeas 67, Nays 1, Excused 2, Absent 0

20 Yeas:

21 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
22 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
23 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
24 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Miller; Moser; Munsterman;
25 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
26 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
27 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

28 Nays:

29 Schrempp

30 Excused:

31 Elliott; Magstadt

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 SB 176: FOR AN ACT ENTITLED, An Act to establish a program to assist rural health
2 care facilities in recruiting certain health care professionals and to repeal certain provisions
3 regarding recruitment incentive payments for health care professionals.

4 Was read the second time.

5 The question being "Shall SB 176 pass?"

6 And the roll being called:

7 Yeas 66, Nays 2, Excused 2, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
10 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
11 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
12 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Lucas; Lust; Miller; Moser; Munsterman; Nelson
13 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
14 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van
15 Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

16 Nays:

17 Liss; Tornow

18 Excused:

19 Elliott; Magstadt

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the bill passed and the title was agreed to.

22 SB 177: FOR AN ACT ENTITLED, An Act to establish a program to assist rural
23 communities to recruit certain health care professionals and to repeal certain provisions
24 regarding the physician, the midlevel, and the dentist tuition reimbursement programs.

25 Was read the second time.

26 The question being "Shall SB 177 pass as amended?"

27 And the roll being called:

28 Yeas 63, Nays 4, Excused 3, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hawley; Hickey;
4 Hoffman; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Kirkeby; Kirschman; Kloucek;
5 Kopp; Lucas; Lust; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson
6 (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum;
7 Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White;
8 Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Hansen (Jon); Hubbel; Liss; Tornow

11 Excused:

12 Elliott; Killer; Magstadt

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 SB 196: FOR AN ACT ENTITLED, An Act to allow for the redistribution of existing
16 nursing facility beds.

17 Was read the second time.

18 The question being "Shall SB 196 pass?"

19 And the roll being called:

20 Yeas 66, Nays 2, Excused 2, Absent 0

21 Yeas:

22 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
23 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Haggar; Hansen (Jon); Hawley; Hickey;
24 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
25 Kirschman; Kloucek; Kopp; Liss; Lust; Miller; Moser; Munsterman; Nelson (Stace); Novstrup
26 (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott;
27 Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
28 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

29 Nays:

30 Greenfield; Lucas

31 Excused:

32 Elliott; Magstadt

33 So the bill having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the bill passed and the title was agreed to.

1 SB 104: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
2 investment of public funds.

3 Was read the second time.

4 The question being "Shall SB 104 pass?"

5 And the roll being called:

6 Yeas 64, Nays 3, Excused 3, Absent 0

7 Yeas:

8 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
9 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
10 Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman;
11 Kloucek; Kopp; Liss; Lucas; Lust; Miller; Moser; Munsterman; Novstrup (David); Olson
12 (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele;
13 Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio;
14 White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

15 Nays:

16 Hoffman; Nelson (Stace); Russell

17 Excused:

18 Abdallah; Elliott; Magstadt

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 SB 128: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
22 elections.

23 Was read the second time.

24 128fc

25 Rep. Tornow moved that SB 128 be amended as follows:

26 On page 3, after line 3 of the Senate engrossed bill, insert:

27 " Section 6. That § 12-21-10 be amended to read as follows:

28 12-21-10. A candidate for any office, position, or nomination which is voted upon only by
29 the voters of one county or part thereof may ask for a recount of the official returns if such
30 candidate is defeated, according to the official returns, by a margin not exceeding two percent
31 of the total vote cast for all candidates for such office, position, or nomination. Any candidate

1 for nonlegislative office shall file a verified petition with the county auditor within three days
2 after the election returns have been canvassed by the official county canvass. Any candidate for
3 legislative office shall file a verified petition with the county auditor within three days after the
4 election returns have been canvassed by the official state canvass. The petition shall state that
5 the candidate, after being first sworn on such candidate's oath, believes a recount will change
6 the result of the election and that all of the votes cast for the office, position, or nomination
7 should be recounted. A recount shall then be conducted."

8 Which motion lost.

9 The question being "Shall SB 128 pass as amended?"

10 And the roll being called:

11 Yeas 52, Nays 16, Excused 2, Absent 0

12 Yeas:

13 Abdallah; Blake; Bolin; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Fargen; Feickert;
14 Feinstein; Gibson; Gosch; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hunhoff (Bernie);
15 Hunt; Jones; Killer; Kirkeby; Kirschman; Kopp; Lucas; Lust; Miller; Moser; Munsterman;
16 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Scott; Sigdestad; Sly;
17 Solum; Steele; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman; White; Wick; Willadsen;
18 Wink; Speaker Rausch

19 Nays:

20 Boomgarden; Dennert; Greenfield; Hubbel; Iron Cloud III; Jensen; Kloucek; Liss; Nelson
21 (Stace); Russell; Schrempp; Street; Tornow; Venner; Verchio; Wismer

22 Excused:

23 Elliott; Magstadt

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 Speaker declared the bill passed and the title was agreed to.

26 There being no objection, the House reverted to Order of Business No. 7.

27 **MESSAGES FROM THE SENATE**

28 MR. SPEAKER:

29 I have the honor to inform your honorable body that HB 1083 was lost on second reading
30 and final passage.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has concurred in House
3 amendments to SB 72.

4 Respectfully,
5 Fee Jacobsen, Secretary

6 There being no objection, the House reverted to Order of Business No. 5.

7 **REPORTS OF STANDING COMMITTEES**

8 MR. SPEAKER:

9 The Committee on Legislative Procedure respectfully reports that HB 1005, 1006, 1007,
10 1020, 1021, 1029, 1033, 1034, 1035, 1036, 1037, 1038, 1040, 1041, 1049, 1055, 1060, 1061,
11 1062, 1070, 1073, 1115, 1119, 1124, 1147, 1177, 1183, 1203, 1223, and 1232 were delivered
12 to his Excellency, the Governor, for his approval at 10:50 a.m., February 22, 2012.

13 Also MR. SPEAKER:

14 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
15 and Enrolling has carefully compared HB 1047, 1050, 1063, 1065, 1079, 1088, 1128, 1153,
16 1192, 1195, 1202, and 1212 and finds the same correctly enrolled.

17 Respectfully submitted,
18 Val Rausch, Chair

19 **SIGNING OF BILLS**

20 The Speaker publicly read the title to

21 HB 1047: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
22 military law.

23 HB 1050: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
24 National Guard discipline and courts-martial.

25 HB 1063: FOR AN ACT ENTITLED, An Act to repeal certain statutes related to the
26 testimony of sex offense victims and to evidence of a victim's prior sexual conduct and to
27 establish the rationale and effect of the repeal.

1 HB 1065: FOR AN ACT ENTITLED, An Act to repeal the requirement that the Unified
2 Judicial System set forth a schedule for all fees paid directly to court reporters in its annual
3 consolidated budget.

4 HB 1079: FOR AN ACT ENTITLED, An Act to revise certain publication date citations
5 for references to the International Building Code.

6 HB 1088: FOR AN ACT ENTITLED, An Act to revise certain requirements for charging
7 and collecting certain fees for confining certain people in the county jail.

8 HB 1128: FOR AN ACT ENTITLED, An Act to require the Board of Education to conduct
9 public hearings before adopting certain standards.

10 HB 1153: FOR AN ACT ENTITLED, An Act to revise and clarify certain provisions
11 relating to the revocation of fur dealer licenses.

12 HB 1192: FOR AN ACT ENTITLED, An Act to amend certain limited liability company
13 language.

14 HB 1195: FOR AN ACT ENTITLED, An Act to authorize the collection of fees for certain
15 educational programming and services, and to declare an emergency.

16 HB 1202: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding
17 reckless and unsafe driving.

18 HB 1212: FOR AN ACT ENTITLED, An Act to revise certain terms regarding tort
19 liability.

20 SB 5: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
21 distribution of state publications.

22 SB 11: FOR AN ACT ENTITLED, An Act to authorize the Governor's Office of Economic
23 Development to create and administer a working capital loan program.

24 SB 19: FOR AN ACT ENTITLED, An Act to revise the rule-making authority of the
25 Commission on Gaming to allow the commission to authorize the executive secretary of the
26 Commission on Gaming to take certain actions on gaming licensees.

27 SB 39: FOR AN ACT ENTITLED, An Act to expand the definition of victim for the
28 purposes of certain written victim impact statements.

29 SB 41: FOR AN ACT ENTITLED, An Act to authorize retailers to choose whether to
30 submit pseudoephedrine purchase records electronically or in writing.

31 SB 56: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions relating
32 to the South Dakota Housing Development Authority.

1 SB 57: FOR AN ACT ENTITLED, An Act to revise and repeal certain administrative rules
2 relating to the South Dakota Housing Development Authority.

3 SB 69: FOR AN ACT ENTITLED, An Act to repeal the sunset provision on certain
4 statutes relating to nursing homes on Indian reservations.

5 SB 107: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
6 personalized motor vehicle license plates.

7 SB 115: FOR AN ACT ENTITLED, An Act to implement the regulation of insurance
8 coverage for portable electronic devices.

9 SB 168: FOR AN ACT ENTITLED, An Act to revise the terms and expiration dates of
10 appointees to certain boards and commissions.

11 And signed the same in the presence of the House.

12 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
13 3:58 p.m. the House adjourned.

14

Karen Gerdes, Chief Clerk